

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Ricardo Colon, ) Case No. 7:17-cv-02187-DCC  
                  )  
Plaintiff,      )  
                  )  
v.                )  
                  )  
Publix Super Markets Inc., )                           **ORDER**  
                  )  
                  )  
Defendants.     )  
                  )  
\_\_\_\_\_ )

This matter is before the Court on Plaintiff's Complaint alleging causes of action for breach of contract and race and national origin discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended. ECF No. 15. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On May 7, 2018, Defendant filed a Motion for Summary Judgment. ECF No. 18. Plaintiff filed a Response in Opposition, Defendant filed a Reply, and Plaintiff filed a Sur-Reply. ECF Nos. 26, 28, 31. A hearing was held before the Magistrate Judge on August 15, 2018. ECF No. 38.

On September 25, 2018, the Magistrate Judge issued a Report recommending that the Motion for Summary Judgment be granted. ECF No. 34. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report

and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the Report by reference in this Order. Defendant’s Motion for Summary Judgment [18] is **GRANTED**.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.  
United States District Judge

October 17, 2018  
Spartanburg, South Carolina